

REGION 8 FY 2015 EVIDENCE BASED SNAPSHOTS

STORIES SUBMITTED BY R8 – SELECTED BY HQ (MARCH 2015)

PLEASE REVIEW / EDIT FOR TIMELINESS & ACCRUACY

AIR QUALITY - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- **Tribes:** In 2014, EPA finalized the Title V permit and proposed a PSD revised permit for Deseret's Bonanza power plant located on the Uintah and Ouray Reservation. The revised PSD permit will require an approximate 40% reduction (3,000 tons per year) of NOx emissions.

WATER QUALITY - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- **MT:** In 2014, Region 8 completed 160 TMDL actions to meet the Montana TMDL court order by its deadline of 12/31/2014 that required EPA to address each of the 664 waterbody/pollutant combinations.

DRINKING WATER - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- **CO:** In the aftermath of the September 2013 Colorado flood, the Region 8 Water Emergency Response Team conducted on-site damage assessments of 40 water and wastewater systems that were damaged by the flood.
- **Tribes:** Consolidated approximately 450 existing water injection wells (95 square miles) within the Uintah and Ouray Indian Reservation in Utah under a single area permit issued to Newfield Production, which brought these wells up to more stringent standards for underground sources of drinking water. Since December 2012, over 250 new wells have been added to this permit through a streamlined administrative process.

LAND CLEANUP - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- **CO:** Following the September 2013 Colorado flood, Region 8 addressed the hazardous material potential releases by recovering 35 cars, 329 propane tanks, 259 refrigerators and freezers, 47 batteries, 198 drums, more than 9,000 containers. Region 8 stabilized and restored creek banks, saving Jamestown from being inundated by an estimated 25,000 cubic yards of mine remnants.
- **ND:** Region 8 Emergency Response and Preparedness is implementing a comprehensive watershed-based outreach plan for 10 regional watersheds. Each plan is a Sub Area Contingency Planning strategy utilizing the GIS viewer tool which displays detailed response planning information and federal, state, tribal, and local partner contact information.

- **SD:** Region 8 worked collaboratively with the state to complete Leaking Underground Storage Tank (LUST) Trust Fund cost recovery on LUST Cleanups, resulting in over \$2 million of funding to be available for additional eligible LUST Cleanup activities in the state.
- **UT:** Completed Parish Chemical (more than 100,000 gallons and over 15,000 smaller unknown containers) and North Salt Lake Hazmat (over 22,000 containers) removals where known or potentially hazardous material in leaking or compromised conditions threatened nearby residences.
- **UT:** Region 8 issued the first two LUST Comfort Letters to prospective purchasers of petroleum contaminated property in Duchesne, Utah, resulting in successful property transfer and "ready for reuse" property status.
- **UT:** In April 2015, EPA officially deleted the former Midvale Slag site from the National Priorities List of Superfund sites. The site redevelopment now encompasses the Bingham Junction development, providing 2000 jobs and a housing, transportation and commerce hub for the community. The development boasts a projected 2015 tax revenue base of over 309 million dollars up from 3.9 million in 2004.
- **WY:** Wyoming conducted a PREP exercise with over 150 participants, 36 exercises to prepare states, tribes, locals, industry to respond to emergencies with over 350 participants, and 12 oil spill response training events reaching approximately 240 responders.

CHALLENGES:

- **ND:** On January 7th, Summit Midstream reported a discharge to Blacktail Creek of about 3 million gallons of produced water from a disposal pipeline, the largest spill reported in North Dakota.

HAZARDOUS / SOLID WASTE MANAGEMENT - REGION 8 ENTRIES

PESTICIDES - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- **Tribes:** Region 8 issued 388 certifications to applicators in Indian country and developed an inventory of pesticides dealers in Indian country.

TOXIC CHEMICALS - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- **MT:** Region 8 PCB Program worked closely with Montana Fish Wildlife and Parks to complete a 10 year, \$7 million PCB cleanup at the fish hatcheries and Big Springs Creek. The cleanup included successful removal of PCB contamination in sediment in more than 2.7 miles of Big Spring Creek, as well as reductions of PCB levels in fish allowable for human consumption.
- **ND:** Under the child-care initiative, Region 8 provided lead poisoning prevention information to 100% of the child care facilities and licensing agencies in North Dakota. Region 8 provided over 12,000 literature materials on lead and the new Renovation, Repair and Painting (RRP) Rule and established a presence on the child care licensing websites.
- **SD:** To insure the integrity of The Toxics Release Inventory data for "Communities Right to

Know”, the Region 8 TRI program is conducting data quality verifications of chemical release reports from over 50 facilities in the Region and is also providing 2 live trainings for industry reporters.

ENFORCEMENT - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- **CO:** Thoro Products agreed to pay \$400,000 in response costs and implement institutional controls as a result of an ability to pay consent decree. The consent decree resolves the EPA’s cost recovery claims under CERCLA for responding to releases of hazardous substances at the Twins Inn Superfund Site, located in unincorporated Jefferson County, Colorado.
- **MT:** EPA Region 8 received over \$3 million in distributions from the W.R. Grace/Libby Asbestos/Libby “Sisters” CERCLA settlement.
- **UT:** Chevron Pipe Line agreed to pay an \$875,000 civil penalty to be deposited into the Oil Spill Liability Trust Fund, and conduct injunctive relief totaling \$39,759,952 to resolve CWA and OPA violations associated with two oil spills at the company's facilities in Utah.
- **WY:** Samson Oil and Gas agreed to pay a \$60,000 civil penalty and take action to resolve CWA and OPA violations for discharge of 400 barrels of oil and produced water from its oil storage facility in Campbell County, WY and failure to prepare and implement a Spill Prevention, Control and Countermeasures (SPCC) plan at the facility where the discharge took place.
- **Tribes:** Newfield Production agreed to pay a \$600,000 civil penalty to resolve SDWA violations at 442 underground injection wells located within the exterior boundaries of the Uintah and Ouray Indian Reservation in Utah.

CHALLENGES:

- **Tribes:** Region 8 issued a SDWA Emergency Administrative Order to a tribally-owned and operated public water system on the Fort Belknap Reservation in Montana after the system tested positive for total coliform, fecal coliform and E. coli. Lodgepole Housing Public Water System is a community water system serving approximately 70 persons per day year-round and has been subject to boil orders in the past because the water was non-potable.

PROPOSED ADDITIONAL STORIES – FY 2015 YEAR-END

PLEASE REVIEW / EDIT FOR ACCRUACY & ADD ADDITIONAL STORIES

AIR QUALITY - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado: EPA favorably resolved remaining litigation over approval of the Colorado Regional Haze State Implementation Plan by persuading litigants to dismiss their lawsuit.
- Montana:
- North Dakota:

- South Dakota:
- Utah:
- Wyoming:
- Tribal: Continued work with the Ute Tribe regarding the potential for a Uintah and Ouray Reservation specific federal implementation plan to reduce emissions from existing oil and gas sources. Working collaboratively with the Utah DEQ, developed an emissions inventory process for sources to report improved emissions data for use in air quality planning. Met with sources and other stakeholders to seek their thoughts on a potential federal plan.
- Tribal: EPA coordinated 9 tribal consultation opportunities with 5 tribes regarding New Air Tribal Minor Source Rule, grant status, drinking water systems, Clean Power Plant Rule, and TAS (treatment in the same manner as a state).
- Tribal: EPA continued its work around the Uinta Basin Air Quality Strategy. EPA and the Ute Tribe installed five ozone and NO2 monitors at tribal schools and at the Tribe's Air Program office to raise awareness of air quality in the Uinta Basin. EPA co-hosted with the tribe a Health Effects Meeting for 30+ health experts and tribal members. EPA transferred grant management/oversight to the Tribe to operate regulatory monitors in the Basin. Further, in early July, EPA learned the Ute Business Committee approved the attachment of emission control requirements (for tank batteries, storage tanks and compressors) for oil and gas wells to the Tribe's business license and access permits.

CHALLENGES:

- Colorado:
- Montana:
- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal:

WATER QUALITY - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado: EPA completed agency review and action of Colorado's nutrient-related water quality standards.
- Montana: After over a decade of work and collaboration, in response to 16 years of litigation, EPA and Montana DEQ completed 702 TMDLs. The 702 final TMDLs included 495 of the original 664 waterbody/pollutant combinations and 207 updated waterbody/pollutant combinations.
- Montana: EPA approved Montana variance policy and nutrient standards.

- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal: Issued 5 NPDES permits for oil and gas on the Wind River Indian Reservation which include a requirement to maintain an inventory of chemicals used for well treatment and well maintenance and to disclose that information if there is a discharge, and the use of tribally adopted water quality standards.

CHALLENGES:

- Colorado:
- Montana:
- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal:

DRINKING WATER - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado:
- Montana:
- North Dakota: For the Northwest Area Water Supply project, EPA made a successful case to BOR for a water treatment system that will to avoid carcinogenic disinfection byproduct impacts to 100,000 water consumers in Minot and surrounding communities.
- South Dakota:
- Utah:
- Wyoming: EPA provided over 8 hours of compliance-related drinking water operator training to over 600 certified operators in Wyoming, and one 4-hour workshop focused on compliance challenges for seasonal water system operators, reaching 30 such operators in Wyoming.
- Tribal: EPA Region 8 held an environmental strategy planning session in Bismarck, ND with the Mandan Hidasta and Arikara (MHA) Nation. The goal of the session was to collaborate with the tribe to develop a 1-3 year strategy to address the top natural resource/environmental challenges associated with oil & gas development on the Ft. Berthold Indian Reservation. EPA and community representatives focused on the Tribe's objective of ensuring that FBIR citizens are informed and have opportunities to be engaged in environmental activities and decision-making. In addition, the goal of the session was to advancing understanding of impacts of and best approaches to assessing and remediating releases of produced water by providing produced water data and technical input on remediation.

- Tribal: Conducted an Energy Audit at the Fort Washakie surface water plant on the Wind River reservation, identifying a potential cost savings of over \$6,000 a year which is a 20% reduction of their total annual electricity costs.

CHALLENGES:

- Colorado:
- Montana:
- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal:

LAND CLEANUP - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado: EPA completed assessment, clean-up and removal of mine tailings at the residential Colorado Cedaredge Lead Site to protect children. EPA removed and treated 454 tons of contaminated soils and lead contaminated dust inside the home.
- Colorado: EPA provided a comfort letter to facilitate second phase (approximate 500KW) solar installation at Marshall Landfill Superfund site in Boulder County, Colorado.
- Montana: After 9 years of work, EPA has completed its rigorous scientific review of the toxicology of Libby Amphibole Asbestos. The risk assessment demonstrates that it is now possible to live and work in Libby without excessive exposure to Libby Amphibole Asbestos and risk above EPA targets. The asbestos air concentrations in Libby today are about 100,000 times lower than when mine and processing facilities were in operation, making the air quality in Libby similar to other Montana cities.
- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal:

CHALLENGES:

- Colorado:
- Montana: EPA responded to the Bridger Poplar Pipeline Oil Spill of approximately 700 barrels of Bakken crude oil into the frozen Yellowstone River in Montana in January 2015 to protect drinking water sources. Due to the icy conditions, the oil contaminated the intake and drinking water system of Glendive, Montana.

- North Dakota: EPA responded to a fire at the Red River Oil Supply Warehouse in Williston, North Dakota which stored chemicals used in the Bakken oil and gas field located adjacent to the Little Muddy River, a tributary to the Missouri River including air quality monitoring and cleanup of the river.
- South Dakota:
- Utah: In March 2015, Region 8 conducted workshop for local emergency planning committees for approximately 120 attendees.
- Wyoming:
- Tribal:

HAZARDOUS / SOLID WASTE MANAGEMENT - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado: EPA awarded Conejos County Clean Water, Inc. an EJ Grant valued at \$120,000 that will enable the recipient to work in partnership with stakeholders to address issues of illegal dumping. The outcome from this grant work will result in a model that can be applied to the six county San Luis Valley area.
- Montana:
- North Dakota:
- South Dakota:
- Utah:
- Wyoming: EPA worked with Wyoming to streamline its RCRA authorization process. As a result, the State will be incorporating the federal rules by reference. Wyoming's rules were reduced from 1,300+ pages to 59 pages of updated rules.
- Tribal: EPA worked extensively with the Oglala Sioux Tribe and other federal agencies to provide technical assistance to OST related to the August 2014 Compliance Assistance Plan for the Redshirt Landfill. As a result, the facility was returned to compliance with RCRA and solid waste regulations, and the CAP was closed out on February 4, 2015.

CHALLENGES:

- Colorado:
- Montana:
- North Dakota:
- South Dakota:
- Utah: Ensured protection of groundwater resources by denying Republic Services' request to use an existing solid waste cell at their East Carbon Development Corporation landfill in Utah for PCB disposal. ECDC was unable to provide the engineering and construction documentation needed for an EPA Coordinated Approval.
- Wyoming:
- Tribal:

PESTICIDES - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado: EPA expanded School Integrated Pest Management programs to cover 530,960 students in Colorado.
- Montana:
- North Dakota:
- South Dakota:
- Utah: As a result of an EPA inspection, Region 8 issued a Stop Sale, Use and Removal Order to the Utah pesticide manufacturer sBiomed, ordering the company to stop selling and distributing wipes and wipe kits that purported to be registered under the Steriplex SD EPA registration numbers. Region 8 also ordered the company to provide a list of all persons to whom sBioMed had distributed wipes and wipe kits, and to take down all false and misleading claims it was making on the web. Subsequent to the Region 8 Order, the EPA received a report of an increase in infections from a VA hospital using a related product. An EPA laboratory tested samples of Steriplex SD in August and September. The test results indicated the product is not effective against *Clostridium difficile* (commonly known as c. diff.) when used as directed. As a result of this information, OECA issued a second SSURO to sBioMed in September 2015.
- Utah: EPA expanded School Integrated Pest Management programs to cover 612,551 students in Utah.
- Wyoming: Wyoming launched a statewide School Integrated Pest Management program.
- Tribal:

CHALLENGES:

- Colorado:
- Montana:
- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal:

TOXIC CHEMICALS - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado: In cooperation with the Colorado Department of Public Health and Environment, EPA developed a lead public service announcement featuring Dr. Oz.

- Montana:
- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal:

CHALLENGES:

- Colorado:
- Montana:
- North Dakota:
- South Dakota:
- Utah:
- Wyoming:
- Tribal:

ENFORCEMENT - REGION 8 ENTRIES

ACCOMPLISHMENTS:

- Colorado: EPA, the state of Colorado and the US Department of Justice partnered to resolve Clean Air Act violations by Noble Energy regarding its Oil and Gas operations. This civil judicial settlement addresses all of Noble's 2,400 vapor control systems in the Denver-Julesburg Basin, north of Denver, Colorado and requires the company to pay \$4.95M civil penalty and spend \$4M on supplemental environmental projects.
- Montana:
- North Dakota:
- South Dakota: The EPA, along with other federal and state agencies, filed proof of claims against Tronox for several Region 8 sites for reimbursement of CERCLA response costs where Kerr-McGee had operated prior to the spin off. Region 8 recovered \$2.685 million for the North Cave Hills site(s), near Buffalo, South Dakota, and \$44.75 million for the Flat Top Mine site, near Ludlow, South Dakota.
- Utah: EPA issued a Final Administrative Penalty Order against Newfield Production to resolve wetlands violations at production sites in Uintah and Duchesne counties, Utah. The order requires Newfield to restore approximately 13 acres of impacted wetlands and streams, perform mitigation for the remaining impacts by creating more than ten acres of new wetlands, and pay a penalty of \$175,000.
- Wyoming: EPA issued a Final Administrative Penalty Order against Frontier Refining for CAA 112(r) and EPCRA violations at its Cheyenne, Wyoming refinery for processing flammable chemical mixtures and hydrogen fluoride over reporting threshold levels. Frontier

Refining agreed to resolve risk management planning and chemical reporting violations, and pay a \$150,000 penalty.

- Wyoming: EPA and the U.S. Department of Justice partnered to resolve CWA violations by Cottonwood Creek, Inc. for an oil spill at Bonanza Station in Big Horn County, Wyoming of approximately 162 barrels of crude oil into a tributary of the Nowood River, and inadequate spill prevention and planning. Cottonwood cleaned up the oil release, submitted an acceptable Facility Response Plan and agreed to pay a \$170,000 penalty.
- Tribal: EPA issued a Final Administrative Penalty Order against British Petroleum for unpermitted discharges of produced water from a pipeline on the Southern Ute Indian Reservation. BP agreed to pay a \$40,000 penalty and undertake a SEP worth \$50,000, which requires development of a restoration plan for a portion of the watershed where the alleged violation occurred. The SEP was developed with the assistance of the Southern Ute Indian Tribe and OECA.

CHALLENGES:

- Colorado: EPA issued a Final Administrative Penalty Order against Western Operating Company for CAA 112(r) and EPCRA violations at its facility in Wiggins, Colorado after EPA found that Western had not adequately implemented the risk management requirements for flammable substances at the facility and had failed to file annual hazardous chemical inventory forms. Western agreed to resolve risk management planning and chemical reporting violations and pay a penalty of \$122,900.
- Montana:
- North Dakota: Due to increased oil and gas activity in North Dakota and concerns and complaints about enforcement oversight, the EPA Region 8 Enforcement conducted a state oversight review of the State of North Dakota's UIC Class II program. Oversight included on-site file review of permitting and enforcement activities and field inspections with the State's inspectors in an oversight capacity. Findings are expected to be finalized by spring 2016.
- South Dakota:
- Utah: EPA has a federal facility work share agreement with the State of Utah to assist in dealing with federal facilities. Region 8 and the state identified ten federally operated public water supplies of concern, focusing on compliance assistance followed by enforcement. To date, EPA has issued 11 Notices of Violations and three Administrative Orders.
- Wyoming: EPA and the U.S. Department of Justice partnered to resolve CWA violations by Cottonwood Creek, Inc. for an oil spill at Bonanza Station in Big Horn County, Wyoming of approximately 162 barrels of crude oil into a tributary of the Nowood River, and inadequate spill prevention and planning.
- Tribal: